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11 Attorneys for Plaintiff

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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND VENUE

17  
18 UNITED STATES OF AMERICA, }  
19 v. } Plaintiff,  
20 APPROXIMATELY \$99,900 }  
21 IN UNITED STATES CURRENCY }  
22  
23  
24 Defendant. }

25 No. C 08 1161 EDL

26  
27  
28 SETTLEMENT STIPULATION  
AND ~~PROPOSED~~ FINAL ORDER  
OF FORFEITURE

1        In full and final settlement of all claims and disputes arising from and related to the captioned  
2        forfeiture action, plaintiff United States of America, and claimant Michael Munoz, individually and in  
3        his capacity as Trustee for the Estate of Gloria Munoz, hereby stipulate and agree as follows:

4        1. On February 27, 2008, plaintiff filed a civil action seeking forfeiture of the above-captioned  
5        defendant currency pursuant to Title 21, United States Code, Section 881(a)(6), on the grounds that  
6        there was probable cause that the money constituted drug proceeds.

7        2. Michael Munoz and Gloria Munoz, represented by L. Stephen Turer, were the sole  
8        claimants to the defendant funds in the administrative forfeiture proceeding. Gloria Munoz is now  
9        deceased and Michael Munoz is the Trustee for her estate. The United States and Michael Munoz,  
10        individually and as Trustee for the Estate of Gloria Munoz, agreed to the settlement of this action a few  
11        days after the complaint was filed. Therefore, the claimants and the United States agreed that no claim  
12        and answer should be filed to avoid unnecessary costs and attorneys fees. Michael Munoz and the  
13        Estate of Gloria Munoz now submit to the jurisdiction of this Court to effectuate this settlement  
14        agreement and the Court's Order of Forfeiture.

15        3. Michael Munoz, individually and as Trustee for the Estate of Gloria Munoz, agrees that  
16        sufficient evidence exists to establish forfeiture of \$49,950 of the defendant funds, pursuant to Title 21,  
17        United States Code, Section 881(a)(6), and consents to the forfeiture of said currency to the United  
18        States without further notice to him, individually and as Trustee for the Estate of Gloria Munoz.  
19        Michael Munoz, individually and as Trustee for the Estate of Gloria Munoz, further relinquishes all  
20        right, title and interest in \$49,950 of the defendant currency, and agrees that said funds shall be forfeited  
21        to the United States and disposed of according to law by the appropriate federal agency.

22        4. \$49,950, which represents the balance of the defendant currency, shall be returned (via  
23        check made payable to Michael Munoz and his attorney L. Stephen Turer, whose business address is  
24        610 Davis Street, Santa Rosa, California 95401. Such payment shall be in full settlement and  
25        satisfaction of any and all claims by Michael Munoz, individually and as Trustee for the Estate of Gloria  
26        Munoz.

1 Munoz, his heirs, representatives and assignees to the defendant currency indirectly or directly related to  
2 this action

3 5. Claimant Michael Munoz, individually and in his capacity as Trustee for the Estate of  
4 Gloria Munoz, his heirs, representatives and assignees, shall hold harmless the United States, any and  
5 all agents, officers, representatives and employees of same, including all federal, state and local  
6 enforcement officers, for any and all acts directly or indirectly related to the seizure and forfeiture of the  
7 defendant currency.

8 6. Each party shall pay its own attorney fees and costs.

9 10 Dated: 10/6/08

JOSEPH P. RUSSONIELLO  
United States Attorney

11 12 Dated:

13 14 15 SUSAN B. GRAY  
16 Assistant United States Attorney

17 18 19 20 21 22 23 24 25 26 27 28 Dated: 10-7-08  
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~~PROPOSED~~ FINAL ORDER OF FORFEITURE

Based upon the above stipulation and all pleadings filed herein,

IT IS HEREBY ORDERED that \$49,950 of the defendant funds shall be and hereby is forfeited to the United States, pursuant to Title 21, United States Code, Section 881(a)(6). All right, title and interest in said property is hereby vested in the United States of America. The United States Marshals Service shall dispose of the forfeited property according to law.

IT IS FURTHER ORDERED that \$49,950, which represents the balance of the defendant funds, shall be returned to Claimant Michael Munoz, individually and in his capacity as Trustee for the Estate of Gloria Munoz, by and through his attorney L. Stephen Turer, whose business address is 610 Davis Street, Santa Rosa, California, 95401. Said payment shall be in full settlement and satisfaction of any and all claims by claimants, their heirs, representatives and assignees to the defendant funds indirectly or directly related to this action.

IT IS FURTHER ORDERED that claimants, this heirs, representatives and assignees, shall hold harmless the United States, any and all agents, officers, representatives and employees of same, including all federal, state and local enforcement officers, for any and all acts directly or indirectly related to the seizure and forfeiture of the defendant currency.

IT IS FURTHER ORDERED that each party bear its own costs and attorneys fees.  
IT IS SO ORDERED.

DATED: October 16, 2008

